

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI**

IN RE: DEBRA A. BUCHANAN

CASE NO. 18-02672-ee

DEBTOR(S)

CHAPTER 11

**UNITED STATES TRUSTEE’S MOTION TO COMPEL DEBTOR TO FILE AMENDED
DOCUMENTS, COMPLY WITH UST GUIDELINES AND REPORTING
REQUIREMENTS, AND SUBMIT DOCUMENTS TO THE UNITED STATES
TRUSTEE**

COMES NOW David W. Asbach, Acting United States Trustee for Region 5 (“UST”), by and through undersigned counsel, pursuant to 11 U.S.C. § 105, and files this Motion to Compel Debtor to File Amended Documents, Comply with UST Operating Guidelines and Reporting Requirements, and Submit Documents to the United States Trustee in the above styled and numbered cause, and in support thereof respectfully submits the following:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, 11 U.S.C. § 105, and the order granting automatic reference to this Court. This matter constitutes a core proceeding pursuant to 28 U.S.C. § 157(b).
2. The UST has standing to bring this motion pursuant to 11 U.S.C. § 105 and § 307.
3. On July 10, 2018, Debtor Debra A. Buchanan filed a voluntary chapter 11 petition for relief. The Debtor is currently acting as the debtor-in-possession in this case.
4. On August 17, 2018, the UST held and concluded the Debtor’s § 341 meeting of creditors. DKT. #31.

5. The UST, in furtherance of his statutory duties under 28 U.S.C. § 586 and the Bankruptcy Code, promulgated his *Chapter 11 Operating Guidelines and Reporting Requirements* (“OGRR-11”). The OGRR-11 establish instructions for debtors-in-possession and chapter 11 trustees, and they assist the UST in his supervision and monitoring of the administration of chapter 11 cases. For example, the OGRR-11 requires debtors to have their insurers add the UST as a party of notice so the UST receives notice of any change in insurance status during the chapter 11 case.

6. At the Debtor’s § 341 meeting, the UST noted multiple document deficiencies, and the UST requested that the Debtor cure these deficiencies by August 31, 2018. DKT. #31. The UST informally extended the deadline to September 21, 2018, for the Debtor to cure the remaining deficiencies. But as of the filing of this motion, upon information and belief, the Debtor has not taken the necessary actions to cure the following deficiencies:

- (1) amend Statement of Financial Affairs #21 to disclose the Debtor’s safe deposit box;
- (2) file all requisite Form B 426 periodic reports of financial information on entities in which the Debtor holds a controlling or substantial interest – see Fed. R. Bankr. P. 2015.3;
- (3) submit to the UST an Amended Declaration of Pre-petition Account Closings (IDI Attachment V) after all pre-petition bank accounts are closed;
- (4) submit to the UST proof of insurance on all vehicles owned in the personal name of the Debtor with the UST listed as a party of notice.

7. The UST requests that the Court compel the Debtor to cure the above deficiencies and file and submit the requisite documents by a date certain.

WHEREFORE, PREMISES CONSIDERED, the United States Trustee prays for an order granting all such relief as deemed appropriate under the circumstances. The United States Trustee further prays for all general and equitable relief to which entitled.

RESPECTFULLY SUBMITTED, this the 28th day of September, 2018.

DAVID W. ASBACH
Acting United States Trustee
Region 5, Judicial Districts of
Louisiana and Mississippi

By: /s/Christopher J. Steiskal, Sr.
CHRISTOPHER J. STEISKAL, SR.

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served this day on the below named individual(s) via first class U.S. Mail at the address listed below or by Notice of Electronic Filing via the email address on file with the Court's CM/ECF system:

R. Michael Bolen

DATED, this the 28th day of September, 2018.

/s/Christopher J. Steiskal, Sr.
CHRISTOPHER J. STEISKAL, SR.

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ORDER

THIS DAY THIS CAUSE came on for consideration of the United States Trustee for Region 5's ("UST") Motion to Compel Debtor to File Amended Documents, Comply with UST Operating Guidelines and Reporting Requirements, and Submit Documents to the United States Trustee (DKT. #____). After fully considering the matter, the Court is of the opinion that the motion is well taken and should be granted; therefore,

IT IS ORDERED that the UST's Motion to Compel Debtor to File Amended Documents, Comply with UST Operating Guidelines and Reporting Requirements, and Submit Documents to the United States Trustee (DKT. #____) is hereby granted.

##END OF ORDER##

ORDER SUBMITTED BY:

/s/Christopher J. Steiskal, Sr.

CHRISTOPHER J. STEISKAL, SR. (MSB #101654)

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